

July 11, 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____

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DEPUTY

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

**IN THE UNITED STATES DISTRICT COURT
FOR THE Western DISTRICT OF TEXAS
WACO DIVISION 76701**

Jo ANN WILBERT
Plaintiff's Name and ID Number

MT VIEW UNIT / 2305 RANSOM ROAD GATESVILLE TX 76528
Place of Confinement

STATE OF TEXAS / GOV GREG ABBOTT
TEXAS DEPT OF CRIMINAL JUSTICE (TDCJ) (MTVIEW) CASE NO. 6:22-cv-769
v. UNIV OF TEXAS MEDICAL BRANCH (UTMB) (Clerk will assign the number)

Gov ABBOTT PO BOX 12428 AUSTIN TX 78711
BRIAN COLLIER 629 PO BOX HUNTSVILLE TX 77342
Defendant's Name and Address

UNIV OF TEXAS MEDICAL BRANCH 2 FINANCIAL PLAZA SUIT 625 HUNTSVILLE TX 77340
Defendant's Name and Address

AND THOSE UNDER COLORS WHO WORK AS ENTITIES.
Defendant's Name and Address

(Entities are listed and addressed)
Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

- ✓ 1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records. (Dorothy)
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.**
- ✓ 3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
- ✓ 4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

I Am not filing In Forma Pauperis
Enclosed is A check for \$400⁰⁰ for processing.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? X YES ___ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: November 2021
2. Parties to previous lawsuit:
Plaintiff(s) Jo Ann Wilbert
Defendant(s) Univ of Texas Medical Branch / Texas Dept of Criminal Justice
there employees under colors. (entities)
3. Court: (If federal, name the district; if state, name the county.)
4. Cause number: 6:22-cv-00220 District Court TX WACO Texas 76701
5. Name of judge to whom case was assigned: Alan J Albright
6. Disposition: (Was the case dismissed, appealed, still pending?) dismissed
7. Approximate date of disposition: April 1 2022

II. PLACE OF PRESENT CONFINEMENT: Mt View Unit (A2/28) Gatesville TX 76528

III. ☒ EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

(Attach a copy of your final step of the grievance procedure with the response supplied by the institution.
(COPIES AND CORRESPONDENCE ENCLOSED))

IV. PARTIES TO THIS SUIT:

✓A. Name and address of plaintiff: Jo ANN Wilbert (2261580) Mt View Unit
(A2/28) 2305 Ransom Road Gaskville Tx 76528

✓B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: STATE OF TEXAS / Governor GREGG Abbott / Governors Office
PO Box 12428 Austin TX 78711

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. On 9 occasions failed to respond to request for Clemency, Reprieve. Failed to respond to closing Plane state facility. Failed to respond to 100% Disabled Veteran over forced work procedures in TX (SLAVE LABOR)

Defendant #2: TDCJ EXECUTIVE DIRECTOR BRIAN COLLIER PO BOX 13084 CAPITAL STATION
Austin TX 78711

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Failed to respond to close Plane State Jail Facility in Dayton TX - I Almost died there July 1-16 2021. Failed to respond to filthy, degrading Bus Transport ISSUE. Numerous Inmate issues who tried to protect me from Predators like MARGARET WALKER.

Defendant #3: Dr Lannett Lithiumum / HSC Director / Employment in Huntsville
2 Financial Plaza Suite 625 Huntsville TX 77340

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Failure to respond to Systemic Medical Problems (about care and treatment of inmates) Failure to respond to medical malpractice, inadequate medical care your staff provides. Problems with Unit staff like Humphreys who ignore Doctors Orders. Ignored orders from FEB 18 2022

Defendant #4: Mr Koontz / Medical Ombudsman / Huntsville TX 77342, PO Box 99 Huntsville TX 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Failed to answer or respond to medical grievances and complaints filed by inmates. Over 30 complaints that came to your office from me - went unanswered (saying you do not accept "complaints" from inmates. When my family called you lied to them.

Defendant #5: Dr Marty Shields / Unit Doctor Mt View / 2305 Ransom Rd Gaskville TX 76528
now has gone back to private practice in Austin (will find his address.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. recklessly endangered my life Dec 9 2021 when you deleted my medical restrictions.

Medical malpractice when you completely misdiagnosed what is wrong with my Crushed left Hand. You then said I was fit to work which I Am not.

V. STATEMENT OF CLAIM:

STATEMENT OF CLAIM : TDCJ and UTMB Acting under colors

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Personal Harmful Intent/Callous Disregard for Health Problems
 Inadequate Medical Care/Medical Malpractice/ Interior
 medical care so interior as to be non-existent.
 Extreme prejudice due to age (69) Disability 100% and
 inability to work in any capacity. (TDIU)
 Failure to follow Doctors Orders and Loss of Chance for A
 LONGER Life. Failure to act reasonably. Fraudulently coding
 medical records and Punitive punishing me for medical errors
 Deliberately causing conscious pain and suffering. Medical
 (System failures) with transportation to medical appointments
 Dates of incidents (OCT 19 2021 until June 12 2022)

VI. RELIEF: Immediate Injunctive Relief (For medical care) treatment, medication.

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. Extraordinary Relief:

Immediate Medical Care and treatment At Veterans Administration
 hospital in Dallas Texas to SAVE MY LIFE. Due to imminent death
 from Blood Clot or Aneurysm of my Brain. Neurologist will certify.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Jo Ann BIEGAS (maiden) Jo Ann Shipman Jo Ann Wilbert

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

2261580

VIII. SANCTIONS: Don't really know (?)

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☐ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

C. Has any court ever warned or notified you that sanctions could be imposed? X YES NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): District Court WACO
2. Case number: 6:22-cv-00220
3. Approximate date warning was issued: April 2022 (Approx)

Executed on: June 9 2022
DATE

J Ann Wilbert

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

- ☒ 1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
- ☒ 2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
- ☒ 3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
- ☒ 4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this (Thurs) 9th day of June, 20 22.
(Day) (month) (year)

J Ann Wilbert

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Defendant 1 Greg Abbott and Brian Collier (Defendant #2)

Acts or Omissions That Harm me

- Failure to communicate on Prison Reform issues that need to be addressed (Bus transportation, fraudulent recording of facility)
- Degrading + humiliating treatment At Plane State. Body cavity searches done in full view of 30 other inmates
- Plane State Jail Facility was condemned over 8 years ago and is fraudulently kept open under another facility name.
- Dog Pound At Plane is uncivilized Women are treated like Animals.

Defendant #3 Dr Lannette Lithincum Acts or Omissions that harm me

- Failure to keep me in Medical Unassigned Status.
- Failure to correct my name, correctly within System.
- Failure to help me obtain Gabapentin for severe problems with Nerve damage.
- Failure to coordinate with Medical Ombudsman to resolve Grievance issues dealing with inadequate medical care.
- Refuses to "correct" my falsely coded medical records

Defendant #4 Mr Koontz Acts or Omissions that Harm me.

- Failure to notify Jennifer Humphreys who works for you - that she is fired off my medical case.
- Failure to respond to complaints from inmates - that is your job.
- Lying to my family about medical care, and treatment.



PARTIES TO THE SUITE (CONTINUED) under colors

Defendant # 6 Andrea B. Lozada / Warden / Mt View Unit. 2305 Ransom Rd
 Gatesville TX 76528 (work address SAME)

Acts or Omissions that Harm me.

- Making Bad Situations worse by Not Answering or Responding to inmates Problems (mine are with housing) being next to Sexual Predator Margaret Walker.
- Your staff MS Espino + MS Comanche' terrorizing our Dorm at 0245 Am MAY 28th (when they weren't even supposed to be there) and were off their duty assignment. (Abandoned their Post)
- You failed to respond when Officer Hughes refused to Feed me and; me along with 3 other inmates had to BEG FOR FOOD.
 (We were denied Food.)
- You failed to respond when my Property was stolen by Officer Deleon And Capt Rhashott. I lost \$159⁰⁰ worth of Property.
- When my MAIL was being withheld by SGT Herrera + MS Croswell you failed to respond to help me get my MAIL. The mailroom supervisor (MS Hantley said it was your Problem)
- You know that Warden Howard does not handle any of the Unit Problems when you are gone. You are Absent from the Unit 90% of the time.
- You failed to Punish guard Villaradez when she attacked me in the Dorm and threatened to hit me with her radio twice.
- Your staff is out of control and DO NOT FOLLOW PD 22 standards of Conduct.
- You Allow staff to Abuse inmates.



PARTIES TO THE SUIT (CONT)

DEFENDANT #7 Assistant Warden Monika Howard / MT VIEW
UNIT / 2305 Ransom Road Gatsville TX 76528 PLACE OF WORK
The Same.

Acts or Omissions that Harm me:

- You yourself actually told me that you do not answer any of my correspondence. Excuse me but that is your job!
- You failed to act when I requested you move Sexual Predator Margaret Walker away from me. She has attacked me in the dorm 4 times now.
- You failed to assist me when medical put me in "WORK" status AND YOU KNEW I WAS NOT supposed to be in that STATUS I actually showed you the correct medical documents and you refused to listen to reason
- You know my left hand is crushed and I DO NOT fold laundry. While being in your office TWICE - You know I DO NOT WORK in any capacity for TDCJ. You contacted the Medical Ombudsman
- You know I have Heat Restrictions and the laundry is a sweat shop.
- You know Ms Humphreys abuses older inmates like myself. On at least 10 occasions I reported her.
- Failure to protect me from abuse by medical and your staff, has made me resolve issues through the court
- You lied to me when you said my family did not call you. My sister Gail called you three times in regard to problems I had on this unit.
- Since you resolve no issues - I contact the Inspector General

Defendant #8 MAJOR Jerry G DAVIS / MAJOR in charge of STAFF
 Work + Unit Address the same 2305 Ransom Road Galesville Tx 76528

Acts or omissions of this defendant that harmed me

- One 3 occasions you failed to coordinate with MS King the Property Officer to get my Property that was illegally confiscated by MS Deleon and CPT Rashott.
- When I reported Deleon for stealing my Property ^{NOVEMBER 2021} which included stamps, envelopes And commissary food, legal books and religious material - You did nothing to visit and confirm
- You failed to contact me regarding Theft of my Property.
- Deleon did NOT turn Property into the Property Officer because I went to Property to check.
- MS King failed to coordinate with me And then 60 days later All my Property WAS destroyed. It WAS worth over 159⁰⁰
- When CPT Rashott stole Food from me (Pop Corn, soap etc) on an illegal cell search (in Dorm D1) she was seen eating my FOOD outside our Dorm.
 The cell search was illegal because I was in my cell eating and doing legal work. She was looking for extra laundry. She took my sheets And my blanket - which she knew I needed / And told me to come back to laundry to get what I needed. I Already had it And she SHOULD NOT have taken it.
 She destroyed our Dorm on A "RAGE" incident.
- Rashott failed to Give me A Confiscation Sheet And the next day I had to contact the Warden to make sure I received one.
- Not only did Rashott not have All the items in the bag

Defendant #8 MAJOR Jerry G DAVIS (cont)

to turn into the property officer - she was seen outside our Dorm (D1) eating my pop corn which I had paid for from the commissary. She had NO intent to turn in my food, as she should. You did nothing to Discipline this officer.



Defendant #9 CAPTAIN ALICE HOOPER /DISCIPLINARY OFFICER/ MT VIEW
UNIT 2305 Ransom Rd Gatesville Tx 76528

- As Disciplinary Officer when I was repeatedly disciplined for being disabled to work and refused to work because of my disabilities - You refused to work with me to overturn convictions. (Dec 10 2021- FEB 14 2022)
- When I tried to talk with you or discuss my Medically Unassigned STATUS - you ignored me even when I showed you - Medical Documentation from my doctors.
- You failed to respond at least 10 request to speak with you about an incident at Laundry where I was given medically Unassigned Status (by PA TOGO) and should not have been working. I had to wait 10 days before I could even get an appt with Medical AND LAUNDRY called me every day to GO TO WORK (they cased me up everyday) - AND YOU ENFORCED IT
- You failed to use common sense and good judgement and punitively punished me for being disabled.
- There was no point in even speaking to you - if you don't do your job.



PARTIES TO SUIT

Defendant # 10 CAPT Amy Mankar / Grievance Officer / Mt View Unit
2305 Ransom Road Gaskville TX 76528

Acts and omissions of this defendant which harmed me

- As the Grievance Officer you failed to process at least 20 medical Grievances I had against NP Humphrey. These Grievances were Not handled in any kind of normal processing time frame. Grievances would come back to me saying Another 30-45 days to process (And then never come back AT ALL so I could skip 2 them)
- On at least 10 occasions Medical Grievances came back to me saying I could only process 1 grievance per week. This is Not correct I can submit 1 Medical Grievance every day. You just did not want to process them
- On at least 5 occasions I had Grievances returned saying you investigated the situation (grievance). This is highly unlikely since You never talked to any of the inmates involved.

(IE) When officer Hughes denied me, Esperelda # 16, Wanda Foster # 30 and Aleya # 19 FOOD on MAY 18 2022. I grieved that because we were even denied Johnnys by Hughes. Inmates can never be denied FOOD! It wasn't until the Inspector General got involved that anything was done. The Grievance process did not work at ALL.

- IN OCT 2021 I filed 5 Medical Grievances Against this Unit. I finally received A Packet of these Grievances 5/5/22 6 months late.

Defendant # ^(eleven) 10 CAPT JAYME RASHOTT / Laundry Officer / Mt View Unit
2305 Ransom Road Gatesville Tx 76528

Acts or Omissions that harmed me

- From the very first day I met you - You decided You did not like me because I WAS not A STUD BROAD. (OCT 19 2021)
- When you asked me what SIZE clothes I wore? I told you my sizes And you deliberately issued me clothes that didn't fit At All. You issued me All clothes You wanted.
- When I said I needed A ZIP Shirt - You said you didn't have any. They were right on the shelf behind you.
- Your staff MS Gaines, Mr Stewart And MS Rowanack are as rude, obnoxious and uncouth as you are. You treat inmates like garbage.
- When COVID 19 WAS raging on the Unit You withheld I95 mask from medical. You had shelves full of mask but only gave them out when inmates begged for them.
- On Tuesday November 30 At 2:10 pm you ransacked my cell. I was in my cell doing legal work and eating. You were so totally destructive MS Sanders the Pickett never wanted you back in the Dorm. You tore my cell apart, took my medical blanket I had A Pass for. You stole my sheet that I needed to sleep on!
You stole my pop corn, ^{and} soup. I was in my cell and did not have to be in compliance. You were not in charge of the Dorm neither.
- When you stole my Food - you were seen outside the Dorm eating my Pop Corn and bragging about the fact you took it.

Defendant #10 Rashott (continued)

- When you stole items out of my cell - you did not give me A confiscation sheet I had to request the Warden (Howard) to make you give the sheet.
When you finally gave me the sheet alot of my items were missing.

Defendant #12 SGT Montoya / Defendant #13 MS Pantoja both PREA officers. Mt View Unit 2305 Ransom Rd Gatesville Tx 76528

- Based on fact I am A Protected class of inmate you failed to protect me from sexual predators like Margaret Walker. (I wrote you 3 (I60's) communicating the Problem. She has actively attacked me on 6/6/22 cornering me in A bathroom and going to spray chemicals in my face. You fail to move this inmate away from me As requested 4 times.

Defendant #14 CO Croswell and #15 SGT Herrara both work Property Room Mt View Unit 2305 Ransom Road Gatesville Tx 76528

- When you illegally confiscated my Mail ^{05/05/22} which was to be processed and sent to Dr Lannette Linthicum - You knew my medical records were in the Packet. You tried to punish me because I had waited 25 days for you to call me to mail the mail through you! You failed to Answer the phone or radio to give me A time to come see you.
- When I complained - You gave ME A ridiculous case.
- You then WITH HELD my mail from me for 30 days As Punishment (May 5 2022 through June 6 2022)

Defendant 14 + 15 continued

- You both knew it is Against the Law to With Hold mail from inmates.
- On June 6 2022 you called me to Property at 1:35 pm
- You then both told me My MAIL was confiscated and it was going to Be Destroyed.
- You both deliberately tampered with my mail. Illegally confiscated my mail And tried to Punish me for it by giving me A frivolous CASE And then Deliberately Destroyed my mail on June 6 2022. I need this processed as A Federal Offense.

COPIES of I 60's, GrievANCES And Case # 20220152080 enclosed.

I had permission from CO de la ~~Rosa~~ ^{HAZA} to go to Property and COORDINATE the Processing of my MAIL Packet

